

United States District Court
for the
Southern District of Florida

United States Sugar Corporation,)	
Plaintiff,)	
)	
v.)	Civil Action No. 22-21737-Civ-Scola
)	
Commerce and Industry Insurance)	
Company, Defendant.)	

Order

This matter is before the Court on the motion for extension of dispositive motion deadline filed by Plaintiff United States Sugar Corporation (“US Sugar”). (Mot., ECF No. 101.) Defendant Commerce and Industry Insurance Company (“C&I”) has responded in opposition. (Resp., ECF No. 111.) After careful consideration of the briefing, the record, and the relevant legal authorities, the Court **grants** US Sugar’s motion. (**ECF No. 101.**)

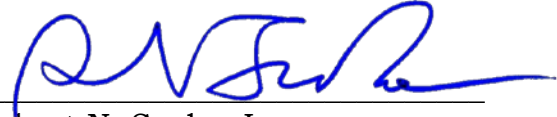
Federal Rule of Civil Procedure 16(b)(3)(A) requires district courts to issue a scheduling order in all cases that sets the deadline by which the parties must complete discovery. The scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). Rule 16’s good cause standard requires a party seeking an amendment to a scheduling order to demonstrate that “the schedule cannot be met despite the diligence of the party seeking the extension.” *Oravec v. Sunny Isles Luxury Ventures, L.C.*, 527 F.3d 1218, 1233 (11th Cir. 2008) (citation omitted). The Court finds that US Sugar’s motion is supported by good cause: C&I’s introduction of a dispute over whether US Sugar’s claimed attorneys’ fees and costs are covered as “Defense Expenses” under US Sugar’s insurance policy with C&I occurred after the dispositive motion deadline passed. (Mot. ¶¶ 3-4.)

For the reasons stated above, the Court **grants** US Sugar’s expedited motion to amend scheduling order and continue trial. (**ECF No. 101.**) US Sugar’s motion for summary judgment, attached to this motion as Exhibit C, is deemed filed as of today’s date, although US Sugar must separately refile the motion on the docket no later than today, **May 15, 2023**. (Mot. Ex. C, ECF No. 101-6.) C&I shall file its response in opposition to the motion for summary judgment, if any, no later than **May 30, 2023**. US Sugar shall file its reply, if any, no later than **June 6, 2023**.

Additionally, the Court **resets** this matter for trial during the two-week trial period beginning on **July 3, 2023**. Calendar call will be held at 9:00 a.m. on the **preceding Tuesday, June 27, 2023**, at the Wilkie D. Ferguson, Jr. United States

Courthouse, 400 N. Miami Avenue, Courtroom 12-3, Miami, Florida. A pretrial conference will be held immediately following calendar call only if requested by the parties in advance. The calendar call set for 9:00 A.M. tomorrow, May 16, 2023, and the pretrial conference set for 10:30 A.M. tomorrow, May 16, 2023, are **canceled**.

Done and ordered in Miami, Florida, on May 15, 2023.

A handwritten signature in blue ink, appearing to read 'R. N. Scola, Jr.', written over a horizontal line.

Robert N. Scola, Jr.
United States District Judge